

COPY  
~~SECRET~~

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:

Red Arrow Products Company, Inc.  
Manitowoc, Wisconsin

EPA-5-97-113(a) WI-6

PROCEEDINGS PURSUANT TO  
SECTIONS 113(a) and 114  
OF THE CLEAN AIR ACT,  
42 U.S.C. §§ 7413(a) and 7414.

STATUTORY AUTHORITY

The following Order is issued pursuant to Sections 113(a) and 114 of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a) and 7414.

REGULATORY BACKGROUND

1. The Administrator of the United States Environmental Protection Agency (U.S. EPA) approved Wisconsin Administrative Code NR 154.11(6), on March 9, 1983, at 48 Fed. Reg. 9860, as part of the federally enforceable State Implementation Plan (SIP) for Wisconsin, pursuant to Section 110(a) of the Act.
2. NR 154.11(6)(a)1. provides that the limit for all direct or portable sources, on which construction or modification is commenced after April 1, 1972, is emissions of shade of density equal to or no greater than number 1 on the Ringelmann chart or 20 percent opacity.
3. Section 113(a) of the Act, 42 U.S.C. § 7413(a), provides that whenever the Administrator of the U.S. EPA finds that any person has violated or is in violation of any requirement or prohibition of an applicable SIP, the Administrator shall notify that person and the State in which the plan applies of such finding.
4. Section 113(a) of the Act, 42 U.S.C. § 7413(a), authorizes the Administrator to issue an order requiring such person to comply with the requirements or prohibitions of an implementation plan.
5. Section 114(a) of the Act, 42 U.S.C. § 7414(a), authorizes the Administrator to: require any person who owns or operates any emission source to establish and maintain records of emissions; install, use, and maintain equipment for the monitoring of such emissions; sample emissions; and provide other information relative to such emissions, as may be reasonably required.

**STATEMENT OF FACTS**

6. Red Arrow Products Company, Inc. (Red Arrow) is the owner and operator of a sawdust dryer designated as P01, at its facility located at 1226 South Water Street, Manitowoc, Wisconsin. The sawdust dryer was constructed after April 1, 1972, and is, therefore, subject to the requirements of NR 154.11(6)(a)1.
7. On July 24, 1996, David Kee, Director, Air and Radiation Division, Region 5, issued a Notice of Violation, pursuant to Section 113 of the Act, 42 U.S.C. § 7413, to Red Arrow, alleging violations from the sawdust dryer of the particulate opacity limitation found at NR 154.11(6)(a)1. A copy of the Notice was sent to the State of Wisconsin.

**ORDER**

After thorough investigation of all relevant facts, taking into account the seriousness of the violations and efforts made by Red Arrow to comply with applicable regulations, it is determined that the actions hereto ordered and agreed to are reasonable and meet the requirements of the Sections 113(a) (1) and (4) of the Act, 42 U.S.C. § 7413(a).

THEREFORE, IT IS HEREBY AGREED AND ORDERED THAT:

8. By no later than May 31, 1997, Red Arrow shall install and operate a wet venturi scrubber designed to provide the sawdust dryer (P01) continuous compliance with Wisconsin SIP rule NR 154.11(6)(a)1.
9. Following the installation of the scrubber, Red Arrow shall operate and maintain the scrubber so as to maintain continuous compliance with Wisconsin SIP rule NR 154.11(6)(a)1.
10. By April 30, 1997, Red Arrow shall submit an operating and maintenance program for the new venturi scrubber to U.S. EPA for review and approval.
11. After the operating and maintenance program is approved and the scrubber is installed, Red Arrow shall comply with the terms of the approved program.

**GENERAL PROVISIONS**

12. Red Arrow is hereby notified that it may be subject to administrative noncompliance penalties pursuant to Sections 113 and 120 of the Act, 42 U.S.C. §§ 7413 and 7420.
13. Nothing contained in this Order shall affect the responsibility of Red Arrow to comply with all applicable Federal, State or local laws or regulations, including Section 303 of the Act, 42 U.S.C. § 7603.

14. Nothing in this Order shall be construed to restrict, in any way, U.S. EPA's authority under Section 114 of the Act, 42 U.S.C. § 7414.
15. The provisions of this Order shall apply to and be binding upon Red Arrow, its officers, directors, agents, servants, employees and any successor(s) in interest. Red Arrow shall give written notice of this Order to any successor(s) in interest prior to transfer of ownership, and shall simultaneously send a copy of such written notice to:

Chief, Air Enforcement and Compliance Assurance Branch  
Air and Radiation Division  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard (AE-17J)  
Chicago, Illinois 60604-3590

16. The information required to be maintained or submitted pursuant to this Order is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 et seq.
17. This Order is effective on the date of signature by the Director, of the Air and Radiation Division, and shall terminate one (1) year after such date of signature.

Date \_\_\_\_\_

\_\_\_\_\_  
David Kee, Director  
Air and Radiation Division

Date \_\_\_\_\_

\_\_\_\_\_  
Virgil Kreder, President  
Red Arrow Products Company, Inc.